IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 18222 of 2005

Between:

K. Sugunakar Reddy, S/o. K. Venkata Reddy,
Rep by his wife and GPA Holder K. Vanitha, W/o. K. Sugunakar Reddy, aged 26 years,
R/o. Sarvapoor Village, Mallial Mandal, Karimnagar District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Jagitial, Karimnagar District.
2 The Mandal Revenue Officer, Mallial Mandal, Karimnagar District.

.....RESPONDENTS

ORDER:

This writ petition is patently misconceived. The deponent of the affidavit filed in support of the writ petition claims to be the wife and General Power of Attorney of Mr K.Sugunakar Reddy, authorizee of a fair price shop No.2314 of Sarvapur village, Malyal Mandal, Karimnagar District,

It is pleaded that the authorizee had after obtaining the authorization and on account of claimed drought conditions in the village executed a power of attorney in favour of the deponent and had gone to Dubai to pursue a livelihood. On the ground of the authorizee running the fair price shop in absentia which in the considered view the respondent constituted transgression of the terms and conditions of the authorization and the relevant control order, a show cause notice was issued proposing action for cancellation of the authorization.

The petitioner challenged the show cause notice, dated 27.01.2005, in Writ Petition No.2955 of 2005 and the said writ petition was disposed of by this Court at the stage of admission as under:

"Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Basically, it is for the appointing authority viz., the Revenue Divisional Officer, to issue show cause notice to any dealer, in case any irregularities are noticed. It is true that if an unauthorized person is running the fair price shop, the Mandal Revenue Officer can seek an explanation. No exception can be taken to the notice issued by the respondent to the petitioner. However, since it is stated that the actual dealer is in gulf countries and the shop is being run by his wife, the matter cannot be treated as so serious to warrant any immediate punitive action. At the same time, this Court cannot interdict any proceedings for taking appropriate action, if the shop is being run benami.

Taking the totality of the circumstances into account, the writ petition is disposed of, directing that in case the original dealer does not return and start running the fair price shop by the end of April, 2005, it shall be open to the respondent as well as the concerned Revenue divisional Officer to terminate the dealership and to appoint another dealer on regular basis in the place of the existing dealer. There shall be no order as to costs."

Thereupon, as the petitioner did not come back even by the time stipulated by this Court in the aforesaid Judgment, the first respondent by the impugned proceedings, dated 01.08.2005, cancelled the authorization on the ground that he had contravened the conditions of the authorization, abandoned the fair price shop to eke out his livelihood in Dubai and has also failed to report back even after the time permitted by the High Court for the purpose.

The substance of the petitioner's contention in this writ petition appears that he is entitled to continue being the authorizee in fair price shop No. 2314 of Sarvapur Village and while continuing abroad. In such extravagant contention there are no merits.

Accordingly, the writ petition is dismissed. No costs.

18-08-2005

kvrm